

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

<p>TIMOTHY KING, MARIAN ELLEN SHERIDAN, JOHN EARL HAGGARD, CHARLES JAMES RITCHARD, JAMES DAVID HOOPER and DAREN WADE RUBINGH,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>GRETCHEN WHITMER, in her official capacity as Governor of the State of Michigan, et al,</p> <p style="text-align: center;">Defendants,</p> <p style="text-align: center;">and</p> <p>CITY OF DETROIT, et al,</p> <p style="text-align: center;">Intervenor-Defendants.</p>	<p>No. 2:20-cv-13134</p> <p>Hon. Linda V. Parker</p>
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**INTERVENOR-DEFENDANT CITY OF DETROIT’S MOTION FOR
LEAVE TO FILE SUPPLEMENTAL BRIEF**

Intervenor-Defendant City of Detroit (the “City”) moves for leave to file a supplemental brief, attached as Exhibit 1, in further support of its Motion for

Sanctions, for Disciplinary Action, for Disbarment Referral and for Referral to State Bar Disciplinary Bodies (ECF No. 78), for the reasons set forth in the attached Brief.

Pursuant to E.D. Mich. LR 7.1, on May 11, 2021, counsel for the City emailed counsel for Plaintiffs to explain the nature of the motion and requested but did not obtain concurrence.

May 11, 2021

Respectfully submitted,

FINK BRESSACK

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**BRIEF IN SUPPORT OF CITY OF DETROIT’S MOTION FOR LEAVE TO
FILE SUPPLEMENTAL BRIEF**

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STATEMENT OF ISSUE PRESENTED

Whether the City of Detroit should be permitted to file a supplemental brief in support of its Motion for Sanctions, for Disciplinary Action, for Disbarment Referral and for Referral to State Bar Disciplinary Bodies.

The City of Detroit answers: Yes.

MOST CONTROLLING AUTHORITIES

Brintley v. Belle River Cmty. Credit Union,

No. 17-13915, 2018 WL 8815627 (E.D. Mich. May 7, 2018)

Soc'y of St. Vincent De Paul in the Archd. of Detroit v. Am. Text. Recyc. Servs.,

No. 13-14004, 2014 WL 65230 (E.D. Mich. Jan. 8, 2014)

ARGUMENT

The attorneys who spread the seditious lies that led to the insurrection of January 6, 2021, are now trying to escape accountability by again misrepresenting facts to this Court. In response to the City of Detroit’s (the “City”) request for sanctions against Plaintiffs’ counsel, Plaintiffs have attempted to deny or minimize Lin Wood’s involvement in this dangerous lawsuit. Plaintiffs claimed “[t]he only signator or appearance made in the short life of this case has been by Plaintiffs’ local counsel.” (ECF No. 111, PageID.4556). Plaintiffs argued that Lin Wood did not “appear in, commence, conduct, prosecute...or otherwise practice in this court” in this matter. *Id.* Plaintiffs further argued that Lin Wood’s conduct is “entirely irrelevant to a Rule 11 consideration, particularly because...[he was not an] actual signer[] of the pleading....” (ECF No. 111, PageID.4561).¹ And yet, despite Plaintiffs’ efforts to save themselves and their counsel from sanctions by attempting to diminish the extent of Lin Wood’s involvement in this lawsuit, just last week, Lin Wood told an appellate court in Delaware² that he “represented plaintiffs challenging the results of the 2020 Presidential election in Michigan....” Ex. A (attached to the proposed Supplemental Brief, which is attached as Ex. 1) – Appellant’s Opening

¹ As discussed in the City’s Reply, an attorney need not be a “signer” to a pleading to be sanctioned under Rule 11. (ECF No. 103, PageID.4186-4187).

² Lin Wood is appealing a Delaware court’s revocation of his *pro hac vice* admission in a case in which he was representing Carter Page in a defamation lawsuit.

Brief in Case No. 69, 2021, in the Supreme Court of the State of Delaware, pg. 4. Lin Wood boasted that “[i]n the days and weeks following the election, [he] became involved in litigation contesting the election’s results or the manner votes were taken or counted in critical ‘swing states.’ Among those cases in which [he] became involved [was a] lawsuit[] in...Michigan.” *Id.* at pg. 5. Lin Wood touts his involvement in this case when he believes it could help him and denies his involvement when he fears it could hurt him.

This Court has the discretion to allow supplemental filings. *See Brintley v. Belle River Cmty. Credit Union*, No. 17-13915, 2018 WL 8815627, at *1 (E.D. Mich. May 7, 2018) (“supplemental briefing [is appropriate when it] may assist the Court in ruling” on a motion). “[T]he decision to grant or deny leave to file a [supplemental brief] is committed to the sound discretion of the court.” *Soc’y of St. Vincent De Paul in the Archdiocese of Detroit v. Am. Textile Recycling Servs.*, No. 13-14004, 2014 WL 65230, at *3 (E.D. Mich. Jan. 8, 2014). Because Lin Wood’s recent statements to the Supreme Court of Delaware regarding his involvement in the case at bar directly contradict the claims made by Plaintiffs in the sanctions proceedings in this case, it is appropriate for this Court to allow the City to supplement the record with the brief attached as Ex. 1.

CONCLUSION

WHEREFORE, for the foregoing reasons, the City of Detroit respectfully requests leave to file the attached supplemental brief.

May 11, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2021, I electronically filed the foregoing paper with the Clerk of the court using the electronic filing system, which sends notice to all counsel of record.

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